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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
John J. ROSSI et al. )  
Serial No.: 09/864,873 ) **Box Missing Parts**  
Filed: May 25, 2001 )  
For: NUCLEOLAR TARGETING OF ) Attention:  
THERAPEUTICS AGAINST HIV ) Applications Branch

**PETITION TO ACCEPT COLOR PHOTOGRAPHS**  
**UNDER 37 C.F.R. § 1.84(a)(2)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants submit three (3) copies of the color photographs (submitted concurrently with all of the formal drawings) which comprise Figures 3A-G, , Figure 8A-H and 9A-L of the drawings, in compliance with the provisions of 37 C.F.R. § 1.84(a)(2). Also included is the requisite petition fee set forth in 37 C.F.R. § 1.17(h). In view of the interim waiver that black and white photocopies of the color drawings are no longer necessary, no black and white photocopies of the color photographs are being submitted. It is believed that color drawings are necessary to accurately and completely show the immunofluorescence staining of cells, which immunofluorescence is shown in various colors to represent differential staining. These photographs show the actual experimental results which are in color and are not graphic drawings which can be shown in black and white.

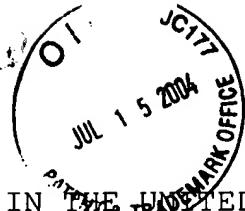
If any additional fees or overpayments are noted, the same should be charged or credited to Deposit Account No. 02-2135. One additional copy of this Petition is enclosed for that purpose.

Respectfully submitted,

Stephen A. Saxe

Stephen A. Saxe  
Reg. No. 38,609  
Rothwell, Figg, Ernst & Manbeck, P.C.  
555 Thirteenth St., N.W., Suite 701 East Tower  
Washington, D.C. 20004  
Telephone (202) 783-6040

Enclosures  
1954-330.PET



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/864,873  
Applicant : John J. ROSSI et al.  
Filed : May 25, 2001  
TC/A.U. : 1635  
Examiner : Karen A. Lacourciere

Docket No. : 1954-330  
Customer No. : 06449  
Confirmation No. : 2281

Director of the United States Patent  
and Trademark Office

**BOX: DAC**  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**APPLICATION FOR PATENT TERM ADJUSTMENT**  
**UNDER 37 C.F.R. §1.705**

Dear Sir:

Applicants respectfully request that the Office recalculate the Patent Term Adjustment (which was determined to be 44 days). Based on a review of the private PAIR listing for the present application (copy attached), the Office appears to have deducted twelve (12) days from the fifty-six (56) U.S. PTO Delay days.

In particular, the PAIR listing indicates "Application is Now Complete" on October 25, 2001. However, Applicants submitted a Response to a Notice to File Missing Parts (mailed July 13, 2001) on September 13, 2001 (and not October 25, 2001). (The 12 days appears to be the number of days between October 13, 2001 and October 25, 2001.) Copies of the September 13, 2001

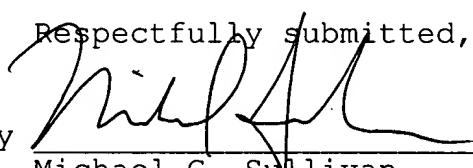
U.S. Serial No. 09/864,873  
Filed: May 25, 2001  
Page 2

submission, including the stamped postcard and responses are enclosed.

Applicants also note that as of May 25, 2004, the application has been pending for three (3) years, and thus Applicants may be entitled to an additional term adjustment for any delay between payment of the issue fee and patent issuance.

Applicants respectfully ask that any recalculated Patent Term Adjustment be noted on the Issue Notification.

Pursuant to 37 C.F.R. §1.18(e), please charge \$200.00 for this submission to Deposit Account No. 02-2135. If necessary, the Commissioner is authorized to charge any additional fees or overpayment to Deposit Account No. 02-2135. An accounting copy of this document is enclosed for that purpose.

Respectfully submitted,  
  
By \_\_\_\_\_  
Michael G. Sullivan  
Attorney for Applicants  
Registration No. 35,377  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
Suite 800, 1425 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 783-6040

Enclosure(s):  
Copies of 9/13/01 Submission  
Copy of PAIR listing

1954-330.PTO.Letter.wpd



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**NEW**[Printer Friendly Version](#)**Patent Term Adjustment (PTA) for publication number:**  
**09/864,873**

			Days
Filing or 371(c) Date:	05-25-2001	USPTO Delay (PTO):	56
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	12
Post-Issue Petitions (days):	+0	Total PTA:	44
USPTO Adjustment (days):	+0	Explanation of Calculations	

Select Search Option

 Assignments  
 Continuity Data  
 Image File Wrapper  
 File History  
 Publication Review
**Search**

<b>Patent Term Adjustment History</b>			
Date	Contents Description	PTO (days)	APPL (days)
04-15-2004	Mail Notice of Allowance		
04-05-2004	Issue Revision Completed		
04-05-2004	Notice of Allowance Data Verification Completed		
04-05-2004	Case Docketed to Examiner in GAU		
04-05-2004	Notice of Allowability		
03-25-2004	Date Forwarded to Examiner		
03-19-2004	Amendment after Final Rejection		
12-19-2003	Mail Final Rejection (PTOL - 326)		
12-15-2003	Final Rejection		
10-07-2003	Correspondence Address Change		
10-06-2003	Date Forwarded to Examiner		
09-17-2003	Response after Non-Final Action		
08-28-2003	Correspondence Address Change		
06-17-2003	Mail Non-Final Rejection		
06-16-2003	Non-Final Rejection		
04-04-2003	Date Forwarded to Examiner		
03-31-2003	Response after Non-Final Action		
12-31-2002	Mail Non-Final Rejection		
12-30-2002	Non-Final Rejection		
10-24-2002	Date Forwarded to Examiner		
10-21-2002	Response to Election / Restriction Filed		

09-19-2002	Mail Restriction Requirement	56
09-19-2002	X-Post-Legal Complete Rejection	↑
09-19-2002	Requirement for Restriction / Election	↑
03-18-2002	X-Pre-Legal Complete New Case	↑
08-02-2001	Information Disclosure Statement (IDS) Filed	↑
01-05-2002	Case Docketed to Examiner in GAU	↑
10-26-2001	Application Dispatched from OIPE	↑
10-25-2001	Application Is Now Complete	↑ 12
07-13-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↑ ↑
07-12-2001	Correspondence Address Change	↑
07-03-2001	CRF Is Good Technically / Entered into Database	↑
06-04-2001	IFW Scan & PACR Auto Security Review	↑
05-25-2001	CRF Disk Has Been Received by Preexam / Group / PCT	↑
05-25-2001	Initial Exam Team nn	↑

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THE PATENT OFFICE'S STAMP HEREON IS ACKNOWLEDGMENT BY IT OF  
RECEIPT OF THE FOLLOWING IN REGARD TO:

ATTORNEY DOCKET NO. 1954-330  
SERIAL NO. 09/864,873  
FILED May 25, 2001

APPLICANT/PATENTEE John J. ROSSI et al.  
ATTORNEY/TYPIST INITIALS SAS:lew  
DUE DATE Sept. 13, 2001

1. Fee Transmittal w/check for \$130.00
2. Petition to Accept Color Photographs (submitted concurrently w/all the formal drawings --Figs. 1-12-- color photos submitted in triplicate)
3. Copy of PTO Notice

Fee: \$130.00

Check  Deposit Account



THE PATENT OFFICE'S STAMP HEREON IS ACKNOWLEDGMENT BY IT OF  
RECEIPT OF THE FOLLOWING IN REGARD TO:

ATTORNEY DOCKET NO. 1954-330

APPLICANT/PATENTEE John J. ROSSI et al.

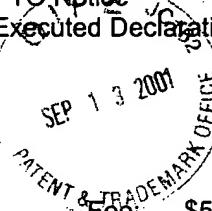
SERIAL NO. 09/864,873

ATTORNEY/TYPIST INITIALS SAS:lew

FILED May 25, 2001

DUE DATE Sept. 13, 2001

1. Response to Notice to File Missing Parts w/check for \$550.00
2. PTO Notice
3. Executed Declaration & Power of Attorney
- 4.
- 5.
- 6.
- 7.



\$550.00

Check       Deposit Account

— ROTHWELL, FIGG, ERNST & MANBECK, P.C.

INVOICE	DATE	DESCRIPTION	NET
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24298

09/13/2001	1954-330 LW #24298 Filing Fee, Late Surcharge and Additional Claims	550.00
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Date 09/13/2001 **COMMISSIONER OF PATENTS & TRADEMARKS** \$550.00

1954-330  
SAS:lew



Serial No. 09/864,873

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
John J. ROSSI et al. ) **Box Missing Parts**  
Serial No. 09/864,873 )  
Filed: May 25, 2001 )  
For: NUCLEOLAR TARGETING OF )  
THERAPEUTICS AGAINST HIV )

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to a Notice to File Missing Parts of Application under 37 CFR 1.53(b) dated July 13, 2001, response copy attached, a Declaration and Power of Attorney identifying the above-referenced application by Serial Number and Filing Date is being herewith submitted. Also attached is a check in payment of the following fees:

\$ 65.00 (surcharge under 37 C.F.R. 1.16(e))  
355.00 (basic filing fee)  
130.00 (additional claims fee)  
\$ 550.00 TOTAL

Please charge any additional fees or credit any overpayment for the payment of the filing fee, any extra claims fees or the surcharge to deposit account number 02-2135. An additional copy of this letter is enclosed for that purpose.

The following document is being submitted concurrently under separate cover:

- Recordation Coversheet w/Assignment document.
- Petition to Submit Color Photographs (submitted concurrently with all the formal drawings).

Respectfully submitted,

By Stephen A. Saxe  
Stephen A. Saxe, Ph.D.  
Attorney for Applicants  
Registration No. 38,609  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
Suite 701-E, 555 13th Street, N.W.  
Washington, D.C. 20004  
Telephone: (202) 783-6040

Enclosures

<b>DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>		<p style="text-align: center;">JUL 15 2004</p> <p style="text-align: center;">U.S. PATENT AND TRADEMARK OFFICE</p>	
<input type="checkbox"/> Declaration Submitted with Initial Filing <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing			
COMPLETE IF KNOWN			
Attorney Docket No.      1954-330 First Named Inventor      John J. ROSSI			
Application Number      09/864,873 Filing Date      May 25, 2001			
Group Art Unit      1645 Examiner Name      Not Yet Assigned			

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: NUCLEOLAR TARGETING OF THERAPEUTICS AGAINST HIV, the specification of which was filed on May 25, 2001 as United States Application Number 09/864,873.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

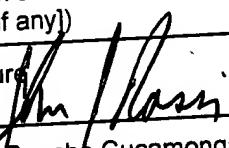
Prior Foreign Application Numbers	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
			<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)
60/206,976	05/25/2000

I or we hereby appoint the registered practitioner(s) associated with Customer No. 6449 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Direct all correspondence to Customer Number 6449.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>NAME OF SOLE OR FIRST INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name: John J. (first and middle [if any])  Inventor's Signature 		Family Name: ROSSI or Surname  Date 8/15/01	
Residence: City: Rancho Cucamonga	State: California	Country: U.S.	Citizenship: U.S.
Mailing Address: 6255 Terracina Avenue			
Mailing Address			
City: Rancho Cucamonga	State: California	Zip: 92737	Country: U.S.
<b>NAME OF SECOND INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name: Alessandro (first and middle [if any])  Inventor's Signature 		Family Name: MICHIENZI or Surname  Date 8/15/01	
Residence: City: Rome	State	Country: Italy	Citizenship: Italy
Mailing Address: Via San Fratello 1			
Mailing Address			
City: Rome	State	Zip: 00132	Country: Italy
<b>NAME OF THIRD INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])  Inventor's Signature		Family Name or Surname  Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country
<b>NAME OF FOURTH INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])  Inventor's Signature		Family Name or Surname  Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country

		Complete if Known	
		Application Number	09/864,873
		Filing Date	May 25, 2001
		First Named Inventor	John J. ROSSI
		Examiner Name	Not Yet Assigned
		Group Art Unit	1645
Total Amount of Payment	(\$130.00)	Attorney Docket Number	1954-330

**METHOD OF PAYMENT** (check one)

1.  The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- Applicant claims small entity status.

2.  Payment Enclosed:

Check  
 Credit Card

**FEE CALCULATION**
**1. FILING FEE**

Fee Code	Fee \$	Fee Description	Fee Paid
201	355	Utility filing fee	[ ]
206	160	Design Filing Fee	[ ]
207	245	Plant Filing Fee	[ ]
208	355	Reissue Filing Fee	[ ]
214	75	Provisional Filing Fee	[ ]

**SUBTOTAL** \$ 

**2. CLAIMS**

		Extra Claims	Fee \$	Fee Paid
Total Claims	[ ]	- 20**	= [ ]	x \$ 9 = [ ]
Independent Claims	[ ]	- 3**	= [ ]	x 40 = [ ]
Multiple Dependent Claims	[ ]		+ 135 = [ ]	

\*\*or number previously paid, if greater;

**SUBTOTAL** \$ 

**FEE CALCULATION (continued)**
**3. ADDITIONAL FEES**

Fee Code	Fee Paid	Fee Description	Fee Paid
205	65	Surcharge - late filing fee or oath	[ ]
227	25	Surcharge - late provisional filing fee or cover sheet	[ ]
139	130	Non-English specification	[ ]
147	2,520	For filing a request for reexamination	[ ]
112	920	Requesting publication of SIR prior to Examiner action	[ ]
113	1,840*	Requesting publication of SIR after Examiner action	[ ]
215	55	Extension for reply within first month	[ ]
216	195	Extension for reply within second month	[ ]
217	445	Extension for reply within third month	[ ]
218	695	Extension for reply within fourth month	[ ]
228	945	Extension for reply within fifth month	[ ]
219	155	Notice of Appeal	[ ]
220	155	Filing a brief in support of an appeal	[ ]
221	135	Request for Oral Hearing	[ ]
138	1,510	Petition to institute a public use proceeding	[ ]
240	55	Petition to revive -unavoidable	[ ]
241	640	Petition to revive - unintentional	[ ]
242	620	Utility issue fee (or reissue)	[ ]
243	220	Design issue fee	[ ]
244	300	Plant issue fee	[ ]
122	130	Petitions to the Commissioner	[ ]
123	50	Processing fee under 37 CFR 1.17(q)	[ ]
126	180	Submission of Information Disclosure Statement	[ ]
581	40	Recording each patent assignment per property (times number of properties)	[ ]
246	355	Filing a submission after final rejection (37 CFR 1.129(a))	[ ]
249	355	For each additional invention to be examined (37 CFR 1.129(b))	[ ]
279	355	Request for Continued Examination (RCE)	[ ]
169	900	Request for expedited examination of a design application	[ ]
195	300	Publication fee for early, voluntary, or normal publication	[ ]
196	300	Publication fee for republication	[ ]
089	200	Filing an application for patent term adjustment	[ ]
090	400	Request for reinstatement of term reduced	[ ]
		Other fee (specify)Petition to Accept Color Photographs	[\$130. ]

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL**

\$130.00

SUBMITTED BY			Complete (if applicable)	
NAME AND REG. NUMBER	Stephen A. Saxe, Ph.D., Reg. No. 38,609			
SIGNATURE	Stephen A. Saxe	DATE	September 13, 2001	DEPOSIT ACCOUNT USER ID

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

INVOICE	DATE	DESCRIPTION	NET
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	09/13/2001 1954-330 LW		130.00
	#24297		
	Petition		

24297

Date 09/13/2001 **COMMISSIONER OF PATENTS & TRADEMARKS** \$130.00